

Emergency Planning and Release

Reporting Workshops

December 2014

The following are corrections and clarifications of the information provided at the December 2014 workshop based on questions and feedback.

RELEASE REPORTING PRESENTATION by Susan Parker

Test 2 Answers

Sometimes the answer is not in the actual act or regulation, but in the supporting guidance documents. After the workshop in Mt. Pleasant, I was informed that one of the answers I provided to you for Test 2 was incorrect.

Test Question 7: Why is the release not reportable under the Part 5 rules?

It is true that the release is not reportable under the Part 5 rules, but **not** for the reason stated in the workshop and in the answer sheet provided: that the release was from a transportation-related facility.

While the release came from the fuel truck, a Policy and Procedure document written to explain the Part 5 rules specifies that “Generally, railcars and trucks at a facility are considered in transport unless it is connected to the facility for purposes of loading or unloading.” The complete document is here:

www.michigan.gov/documents/deq/wrd-policy-035-part-5-rules-railcars-trucks_454800_7.pdf

A guidance document written for SPCC rules has a similar interpretation. See Table 2-2 on page 2-9 in this document: www.ksagaviation.org/files/library/EPA_SPCC_Rules.pdf.

The reason that the release is not reportable under the Part 5 rules is that gasoline falls under a conditional exemption under Rule 3(1)(c) of the Part 5 Rules:

www.michigan.gov/documents/deq/deq-oea-saraguidebook-AppendixC_444642_7.pdf

This rule exempts flammable and combustible liquids because they are covered under the fire prevention code, 1941 PA 207.

The fire prevention code includes the storage and handling of flammable and combustible liquids rules that were revised October 13, 2014, and no longer require that releases of flammable and combustible liquids be reported:

www7.dleg.state.mi.us/orr/Files/AdminCode/1469_10892_AdminCode.pdf

Note that a written follow-up report would still be required under 49 CFR Part 171 (Transportation of Hazardous Materials).

Attendee Question: Is the release reportable under the Air regulations because of the fire?

No.

OVERVIEW OF EMERGENCY RESPONSE PLANS PRESENTATION by Marianne Gutknecht***Is oil-filled equipment included in the oil storage capacity in determining thresholds for SPCC?***

Yes. As presented during the Overview of Emergency Response Plans, the SPCC rule applies to certain facilities that have more than 1,320 U.S. gallons of aggregate aboveground oil storage capacity and/or more than 42,000 U.S. gallons of completely buried oil storage capacity assuming it meets the other applicable criteria under the SPCC rule.

Containers include not only oil storage tanks, but also mobile or portable containers such as drums and totes, and oil-filled equipment such as electrical equipment (e.g., transformers, circuit breakers), manufacturing flow-through process equipment, and operational equipment. However, if the capacity of that piece of operational equipment is less than 55 gallons, the amount of oil in that piece of operational equipment does not have to be included toward the 1,320 gallon threshold by virtue of the de minimis container size exemption provided in the SPCC rule.

Is oil-filled equipment considered bulk storage under the SPCC rule?

No. The SPCC rule differentiates between oil that is sometimes stored in bulk and sometimes used operationally. A bulk storage container is any container storing oil at a facility. Bulk oil storage containers may include, but are not limited to tanks, containers, drums, and mobile or portable totes. A bulk storage container, as defined under the SPCC rule, with a capacity of 55 U.S. gallons or greater, must follow specific requirements, as described under 40 CFR §§112.8(c), 112.9(c), and 112.12(c) for onshore facilities. Examples of these requirements include, but are not limited to, secondary containment and fail-safe engineering (such as high level alarms), inspections, and testing.

Operational use includes oil-filled electrical equipment and manufacturing equipment. Operational use of oil is not subject to the SPCC rules for bulk storage requirements. However, oil-filled equipment must meet the general requirements for Spill Prevention, Control and Countermeasure Plans. Examples of these requirements include, but are not limited to, discharge prevention measures, spill response and notification procedures, and if not providing secondary containment, alternative requirements to secondary containment.

Further guidance can be found under the SPCC Guidance for Regional Inspectors, Chapter 2.0 SPCC Rule Applicability, dated December 16, 2013.

